

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

ALENA KRILEY,

CASE NO. 2:21-cv-01176-JHC

Plaintiff,

## ORDER

V.

CHARLIE BROWNE, JAMIE PHIFER,  
STAFF MEMBER UNKNOWN NAME,  
ALL WOMEN'S CARE,

## Defendants.

This matter comes before the Court on Defendants' Charlie Browne, Jamie Phifer and All Women's Case's Rule 12(b)(6) Motion to Dismiss Complaint, filed on April 26, 2022. Dkt. # 16. On August 18, 2022, Plaintiff filed an amended complaint. Dkt. # 56.

In the Ninth Circuit, the filing of “an amended complaint supercedes the original complaint and renders it without legal effect.” *Lacey v. Maricopa Cnty.*, 693 F.3d 896, 927 (9th Cir. 2012). “Courts often apply this rule to motions to dismiss a complaint that has since been superseded and deny such motions as moot.” *Bisson v. Bank of Am., N.A.*, No. C12-0995JLR, 2012 WL 5866309, at \*1 (W.D. Wash. Nov. 16, 2012) (collecting cases). Plaintiff’s amended complaint has superseded the original complaint and is now the operative pleading in this proceeding. Accordingly, the Court STRIKES Defendants’ motion to dismiss the original

1 complaint (Dkt. # 16) as moot. *See Caldwell v. Boeing Co.*, No. C17-1741JLR, 2018 WL  
2 2113980, at \*3 (W.D. Wash. May 8, 2018) (“the court denied Boeing’s first motion to dismiss as  
3 moot because Mr. Caldwell’s second amended complaint superseded his original complaint and  
4 rendered his original complaint without legal effect.”). If appropriate, Defendants may resubmit  
5 any of the arguments in their motion; but they must direct any such argument toward the  
6 amended complaint and consider any relevant developments in the case.

7 Dated this 13th day of October, 2022.

8   
John H. Chun

9 John H. Chun  
10 United States District Judge